

Sector Facility Indexing Project Summary of Written Comments



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Foreword

The U.S. Environmental Protection Agency published a Federal Register (FR) Notice on Tuesday, April 22, 1997, page 19573, soliciting comments on seven focus topics. The public was invited to submit written comments to a public Docket for the Sector Facility Indexing Project (SFIP) (Docket Administrative Record 178) until June 13, 1997. Many of those submitting comments also made presentations at the Public Meeting held on May 14, 1997.

This is a summary of the written comments submitted to the Docket. Comments are presented in the order in which they were received. They are in an unofficial summary fashion and are not a verbatim record. These abstracts are meant to capture the significant issues raised and help interested parties become aware of the public's remarks. Many of these comments are similar to those presented at the Public Meeting. To read these summary statements in their entirety, please see the SFIP Docket Administrative Record 178. The Docket is located in the TSCA Nonconfidential Information Center, Rm. NE-B607, 401 M Street, SW, Washington, DC, 20460 and is available for inspection from noon to 4 pm, Monday through Friday, excluding legal holidays.

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SFIP Summary of Written Comments

The seven focus topics from the Federal Register (FR) Notice were:

Category 1 - Improving Public Access. How do you or your organization believe that EPA can best implement projects and policies to improve the public's ability to access facility-specific environmental data such as compliance records?

Category 2 - Sector Approach. Is it useful for you or your organization to have the ability to compare facility records across plants that manufacture similar products (sector-based presentation of data)?

Category 3 - Appropriate Indicators. Are the overall categories of information presented (compliance, chemical releases, toxicity, production/capacity, demographics) appropriate for facility-level profiling, and should other categories be added? Please refer to supplemental documents for a discussion of methodology used for these categories.

Category 4 - Alternative Indicators. Given that the project is constrained to currently available information, are there particular facets of the project that you or your organization think should be improved, modified or added, and what proposals do you have for these changes?

Category 5 - Longer-term Improvements. In the future, as EPA examines improvements to facility-profiling methodologies, are there any new categories or measurement techniques that should be considered that may require changes to existing data collection and management practices? Please provide details and an indication of whether your organization is willing to support collection or maintenance of this information?

Category 6 - Formats for Public Access. What format or formats are the most useful to your organization in terms of accessing facility-level environmental data (e.g., Internet standard reports, Internet searchable databases, written reports and tables, direct access into integrated databases...)?

Category 7 - Uses of SFIP data. If you or your organization plans to use the information contained within the project, what are the benefits of having this information and potential uses for you or your organization?

Each of the following summaries include an overview of the comments provided by each organization, as well as a summary of those comments by the seven categories listed above.

David A. Shorr, Missouri Department of Natural Resources

Mr. David Shorr, Director of the Missouri Department of Natural Resources (the Department), submitted comments on behalf of the Department. The submission consisted of a one-page letter. The Missouri Department of Natural Resources states its agreement with the goal of the SFIP, and feels that providing data to the public, state and federal agencies, and the regulated community on a whole-facility, multi-media basis is desirable.

The Department expresses its concerns that the nature of the SFIP data integration will inevitably result in misleading information about environmental issues, particularly from the public's perspective. The Department is also concerned about the message the SFIP sends to those sectors also participating in the EPA Common Sense Initiative.

The Department comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. The Department states that permits alone are not a good method to determine compliance and environmental risk. In support of this assertion, the Department provides the example of a grandfathered facility that does not have a permit, saying that even if that facility exceeded the standards, its compliance rate would be better than a state-of-the-art facility that only has paperwork violations. The Department comments further that permit violations are not good indicators of level of environmental hazard or impact on a community.

The Department also comments that the Hazard Ranking Scores (HRS) are not appropriate for analyzing potential risks from regulated facilities, since the HRS data is from unregulated sites.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. None recommended.

Edwin H. Seeger, Seeger Potter Richardson Luxton Joselow & Brooks, L.L.P.

Mr. Edwin Seeger, Attorney for Lead Industries Association, Inc. (LIA) and the National Mining Association (NMA), submitted comments on behalf of LIA and NMA, whose members include primary nonferrous metals producers. The submission consisted of a two-page letter. The comments reference previous comments of Battery Council International which argued that the toxicity weight for lead is too high. LIA and NMA believe that the methodology EPA is considering would encourage the public to believe it is exposed to risks that do not, in fact, exist.

LIA and NMA comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. The LIA and NMA comment that under EPA's proposal, toxicity weights are applied to emissions and discharges that are subject to National Ambient Air Quality Standards and state water quality standards. They state that public health surveys show blood lead levels of children living near lead smelters are mostly below the threshold of concern and are declining. LIA and NMA feel that by applying toxicity weights and the Hazard Ranking System to regulated emissions and discharges encourages the public to believe that facilities are posing risks that do not, in fact, exist.

Further, they comment that SFIP suggests that facilities have poor environmental performance when, in fact, they are in compliance with standards. LIA and NMA use the example of slag to support their position. EPA shows the top five aggregate toxicity weighted scores are for primary lead and copper smelting facilities, giving the impression that these facilities are causing greater risks and performing less favorably than other sectors. Yet, for each of the five facilities, approximately 80-95% of the total score is attributable to lead contained in slag; a glass-like material which they report does not release lead or other metals into the environment. The LIA and NMA feel it is inappropriate for EPA to treat this as a release to the environment.

The LIA and NMA conclude that removing permitted releases and pollutants bound in slag from the SFIP calculations would result in an entirely different characterization of the risks posed by, and the performance of, lead and copper primary smelting facilities. They conclude that the SFIP methodology should be revised accordingly.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. None recommended.

Susan Stark and Mark Saperstein, ARCO Products Company

Ms. Susan Stark, Manager, Environmental, Health and Safety and Mr. Mark Saperstein, Senior Consultant, Corporate Health and Safety, submitted comments on behalf of the ARCO Products Company (ARCO). The submissions consisted of a ten-page submission on May 13, 1997, and a two-page letter submitted on June 13, 1997. In its written statements, ARCO reiterates the company's support of the public's right to know about environmental risks it faces. This echoes ARCO statements at the May 14, 1997 Public Meeting. However, in cautioning EPA not to rush SFIP, ARCO would like EPA to allow interested stakeholders (including industry and individual facilities) to review the data in SFIP before they are released. Involving industry, facility staff, and other stakeholders in the SFIP review process would not only be a way to assure high quality data, but would also enhance the development of a risk-based environmental metric, which ARCO feels is currently missing from SFIP.

ARCO submitted two sets of written comments to the Public Docket. In its letter of May 13, 1997, ARCO provides detailed examples to illustrate many of the issues it had raised at the SFIP Public Meeting, such as the inappropriateness of the sector approach in SFIP and the toxicity weighting methodology. ARCO comments on four main areas related to SFIP which ARCO feels are flawed. These areas include: 1) disincentives for criteria air pollutant control, 2) TRI data limitations, 3) the measurement of compliance in SFIP, and 4) the use of toxicity weighting factors. ARCO feels that, as they currently stand, SFIP metrics are not meaningful or accurate; not comparable either within or among sectors; not comparable from year to year; not comparable among facilities; and do not support other federal, state, and local environmental initiatives.

In its letter of June 13, 1997, ARCO provides additional comments on the need for data review by individual facilities and the grouping of compounds into toxicity endpoint categories.

The ARCO comments from both letters are summarized by topic below:

Improving Public Access. ARCO would like EPA to allow the public, industry, and other interested stakeholders to review the SFIP data before they are released, stating that such review would ensure data quality and enhance the development of a risk-based metric for SFIP. ARCO also states that if SFIP is to be released as it currently stands, it is essential that facilities be given the opportunity to review their own facility-specific data to ensure their accuracy.

Sector Approach. Similar to the ARCO statement provided at the Public Meeting, written comments submitted by ARCO point out that the use of four-digit SIC codes may appear specific, but that this in fact lumps together facilities that vary markedly based on type of feedstocks, process streams, and products. ARCO illustrates this point by providing an example comparison between an asphalt refinery and a petrochemical refinery. ARCO argues that the wide differences in each facility's feedstocks makes any comparisons between the two facilities impossible, even though they are in the same SIC

code group. The company also feels that facility comparisons based on TRI emission estimates cannot be made because TRI emissions estimation methods may vary for different facilities, depending upon location and need to comply with local reporting requirements.

Appropriate Indicators. ARCO argues that the toxicity-weighted score presented in SFIP tends to penalize facilities and may be a disincentive for facilities to install certain air pollution control technologies. In its written comments, ARCO provides details of an example it had presented at the May 14 Public Meeting: the ARCO Los Angeles, California, refinery which uses the latest criteria pollutant control technology, selective catalytic reduction (SCR), to reduce NO_x emissions. ARCO argues that if this facility's TRI emissions were multiplied by the applicable toxicity weights presented in SFIP, the facility would have a higher weighted TRI score than a facility that does not use SCR. Detailed comparisons for toxicity scores between facilities using SCR and those not using SCR were provided in table form in written comments submitted by ARCO. Finally, ARCO also comments on the discrepancies between the carcinogenic potency and the given toxicity weighting factor for certain chemicals (sulfuric acid, ammonium sulfate, nitric acid) in SFIP. This issue was also raised by ARCO at the EPA Science Advisory Board's April 29 meeting.

In addition to comments provided at the Public Meeting, ARCO writes that the compliance indicators in SFIP should not be used to compare regulatory compliance among facilities, nor should they be used as indicators of environmental risk. According to ARCO, developing a comparable measurement of compliance is almost impossible since there are differences in local regulations, facility sizes, number of compliance obligations, and number of inspections. ARCO illustrates these site-specific differences in a table comparing the compliance points, annual inspections, and compliance exposures of a typical facility in the Los Angeles Basin (a nonattainment area) with one in Washington State (an attainment area).

Alternative Indicators. ARCO proposes that a more appropriate indicator for facility comparison may include an estimate of exposure. ARCO offers to work with EPA in developing a risk-based metric.

During the May 14 Public Meeting, several public interest groups suggested including total production waste data in SFIP. In response, ARCO believes that because definitions of "waste stream" can vary on a facility-by-facility basis it is inappropriate to make cross-facility comparisons of waste stream information as reported to TRI.

Finally, ARCO comments on the proposed grouping of compounds into toxicity endpoint categories in SFIP. Because compounds, for example carcinogens, may have wide ranges in potency, ARCO believes that it does not make sense to group all types of carcinogens into one category. Doing so, ARCO argues, will mislead the public into thinking that an endpoint category is less harmful than it is, given the possibly higher potency of some of the individual compounds in the group.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. None recommended.

Lisa Kahn, Friends of the Earth

Ms. Lisa Kahn, Director, Friends of the Earth Community Support Project, submitted comments on behalf of Friends of the Earth. The comments were in the form of her statement prepared for the May 14, 1997 Public Meeting. The submission consisted of four pages. According to Ms. Kahn, Friends of the Earth is a national environmental organization which has worked closely with grassroots community and environmental organizations for the past 25 years. Friends of the Earth also coordinates with the Clean Steel Coalition (CSC), which is a coalition of national and community based environmental justice organizations, as well as people who work in steel mills. The CSC was created in 1995 when partners began participating in EPA's Common Sense Initiative (CSI) for the iron and steel sector. Friends of the Earth commends EPA for initiating SFIP and asserts that the public is very supportive of the project. Friends of the Earth believes that SFIP will help the public obtain the information needed to be better participants in decision-making processes at the state and local level. Friends of the Earth also commends EPA's decision to utilize a sector-based approach for the SFIP, and urges EPA to publicly release the SFIP data as soon as possible.

The Friends of the Earth written comments are summarized by topic below:

Improving Public Access. Friends of the Earth feels that the SFIP makes it easier for the public to track down multi-media information about a particular facility. The integration of the data as presented in SFIP will help the public discern what are the important environmental issues, and enable them to compare their local facilities with other similar plants.

Sector Approach. Friends of the Earth supports EPA's decision to use a sector-based approach, and feels it is essential for SFIP. The Clean Steel Coalition's goal is a cleaner domestic steel industry, and Friends of the Earth thinks that the SFIP would allow the CSC to meet this vision by providing information with which to make comparisons of releases per ton of steel and of mills within the two major segments of the steel industry (integrated mills versus mini-mills). Additionally, Friends of the Earth feels that the information contained in the SFIP will allow the public to compare facilities in their communities with those in other parts of the country, and thereby improve communication between the public and industry.

Appropriate Indicators. Friends of the Earth states that the toxicity-weighted TRI pollutant releases are of great value in informing the public about particular chemical releases at a facility. An example was given of the total volume of ammonia (6 million pounds), with a toxicity weighting of 100, which was released to the air by steel mills in 1993. Even though this volume seems large when compared to the 1 million pounds of manganese released by steel mills in the same year, Friends of the Earth states that the toxicity weighting helps to put potential hazard concerns in perspective, since manganese has a toxicity weight which is 1,000 times greater than ammonia.

Alternative Indicators. Friends of the Earth suggests several additional indicators which the organization feels should be added to SFIP. First, Friends of the Earth thinks it is valuable to have information on enforcement and compliance issues, but asserts that EPA's databases lack adequate data on enforcement actions taken by state and other local agencies. Therefore, Friends of the Earth suggests that EPA should make a high priority of gathering enforcement and compliance data from state and other local agencies. In addition, Friends of the Earth feels that presenting monthly (instead of quarterly) compliance data would be more useful.

Second, Friends of the Earth feels that it would be useful to include information on the status of the environment in which a facility is located. As examples, the organization suggests including information on whether a facility is in an attainment or non-attainment area (this determination is related to ambient air quality), or if it is discharging to an impaired stream. Friends of the Earth thinks that inclusion of this type of information will enhance the public's ability to make facility comparisons.

Third, information on the frequency of a facility's emissions monitoring activities should be added to SFIP according to Friends of the Earth. As SFIP currently stands, it is difficult to get an idea of how often different facilities are monitoring (or estimating) their stack emissions. Having this information will provide a better picture of 1) the accuracy of the emissions data, and 2) a facility's compliance with environmental regulations.

Fourth, Friends of the Earth would like EPA to include data from its AIRS database, which includes NO_x, SO_x, Volatile Organic Compounds (VOCs), and other air emissions data into SFIP in order to provide a more complete picture of a facility's or industry's emissions.

Fifth, Friends of the Earth suggests EPA expand the weighting system used in SFIP to include ecological toxicity of water releases.

Finally, Friends of the Earth stresses that EPA must include data on off-site transfers, (not just on-site releases), and total waste generated (Section 8 of TRI Reporting Form R) per ton of production in SFIP. Friends of the Earth feels that these measures can characterize a facility's potential to reduce generation of waste in the production process, and make it easier to identify those facilities which are handling their wastes on-site, rather than shipping it off to another community. Friends of the Earth cites an EPA report that showed that much of the steel industry's 1993 TRI releases (some of which were hazardous) were transferred off-site to three zinc recycling facilities in Pennsylvania, Illinois, and Mexico. However, Friends of the Earth points out, shipping this waste to another community when much of it is hazardous, and when there is little information on environmental releases associated with the recycling operations, is a mistake.

Longer-term Improvements. Friends of the Earth suggests that EPA expand information in SFIP on inspections and compliance from 2 years to 5 years. The group also requests that the data be updated by expanding versus replacing the data, so that performance over time can be evaluated and not be wiped out after two years.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Julie C. Becker, American Automobile Manufacturers Association

Ms. Julie Becker, Senior Attorney for the American Automobile Manufacturers Association (AAMA), submitted comments on behalf of the AAMA. The comments were in the form of her prepared statement for the May 14, 1997 Public Meeting. The submission consisted of six pages, plus attachments, for a total of twenty-three pages. The comments include a letter addressed to EPA Administrator Carol M. Browner (dated January 14, 1997) written by several trade and industry associations, which detailed their views on the current SFIP methodology. According to Ms. Becker, the AAMA is a trade association representing Chrysler Corporation, Ford Motor Company, and General Motors Corporation. Together these companies produce almost 80 percent of all U.S.-built motor vehicles and operate 276 assembly and component manufacturing facilities.

In its written statement, AAMA reiterates that it shares EPA's concern that the public has the right to know about facility emissions and environmental records. AAMA also recognizes the value in linking Agency databases. However, AAMA does not believe that the proposed methodology for facility hazard ranking and the calculation of noncompliance rates fulfills the mandate of the Reinvention initiative, particularly since SFIP relies on TRI data. AAMA believes that EPA could best address the Reinvention goal of providing the public with data on compliance history and environmental performance by completing the Facility Key Identifier Initiative and the National Performance Measures Strategy. The Association feels that SFIP would not assist the states in setting priorities but would rather waste limited resources and unfairly stigmatize well-run facilities. Finally, AAMA believes that SFIP methodologies would fail to provide EPA, states, and the public with improved analytical capabilities. The Association believes that EPA must correct its approach before going forward with SFIP and is willing to work with EPA to develop meaningful profiles of facilities.

The AAMA written comments are summarized by topic below:

Improving Public Access. AAMA believes in the public's right to know about facility emissions, permitting, and compliance, and supports EPA's efforts to provide the public with this information. However, AAMA is concerned that some privately run Web sites currently provide access to EPA facility information (e.g., Right-to-Know NET), but many do not attach explanations and caveats regarding the limitations of the data. The Association expresses frustration over delays and other problems with EPA data sets (inability to link permits for given facilities and difficulty in making corrections to facility records) that came up during its participation in the Common Sense Initiative.

Sector Approach. The Association sees potential value in linking the Agency's databases to make it easier for the public to obtain comprehensive and user-friendly information about specific facilities. However, the Association regards EPA's Facility Identifier Initiative as a more appropriate method for the Agency to link its databases and encouraged EPA to focus its efforts on this initiative.

Appropriate Indicators. AAMA feels that the methodology used for calculating a Facility Hazard Score will mislead the public and cause federal, state, and local agencies to misdirect their enforcement resources. In fact, because the Facility Hazard Ranking method relies on TRI data (which AAMA points out is not correlated to exceedances or violations), AAMA questions the relevance of the Facility Hazard Ranking approach to “violations” or potential “risks”. Additionally, AAMA feels that it is misleading to base a hazard ranking on TRI data since TRI reflects a facility’s regulated or reportable emissions and is not correlated with exceedances or violations. AAMA states that there is no consistent relationship between reported releases and actual hazard or risk. To elaborate on this issue, AAMA attached the comments it presented at the April 29, 1997 EPA Science Advisory Board review of the SFIP toxicity weighting methodology.

The Association also expresses concern that compliance indicators in SFIP do not accurately depict the environmental compliance obligations of member facilities. SFIP does not address the duration (one-time violations versus those that go uncorrected for several months) or severity (paperwork violations versus those resulting in environmental harm) of noncompliance events. AAMA mentions that SFIP also fails to distinguish between self-reported violations and those discovered by other means that count as noncompliance accusations made against facilities, regardless of whether there has been a finding of noncompliance by a court or administrative law judge. AAMA supports OECA’s National Performance Measures Strategy as the best venue for developing more meaningful measures of enforcement and compliance success.

Alternative Indicators. None recommended.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. AAMA is very concerned that industries in SFIP will be irreparably harmed by the widespread use of inaccurate and misleading Facility Hazard Scores. The Association cites that the interest of two firms in using SFIP data (by filing Freedom of Information Act requests) were evidence enough of the potential harm the project could cause.

George F. Vary, American Zinc Association

Mr. George F. Vary, Executive Director of the American Zinc Association (AZA), submitted brief written comments consisting of a one-page letter plus attachments, for a total of nineteen pages. The attachments consist of the AZA comments to the EPA Science Advisory Board dated April 23, 1997; The Environmental Council of the States (ECOS) Resolution Number 97-5; the National Research Council's Recommended Dietary Allowances for vitamins and minerals; Health-Based Level (HBL) methodology and HBLs in actual use by EPA; and a list of HBLs for those SFIP chemicals given the same oral toxicity weight as zinc in the SFIP. The AZA states that it agrees with ECOS Resolution Number 97-5, and that without knowing the details of how the toxicity weightings were established for SFIP, the Association recommends that they be given a "bottom-up" review as recommended by ECOS.

The American Zinc Association comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. None recommended.

Alternative Indicators. The AZA comments compare the toxicity weights developed by EPA for the SFIP with the Health-Based Levels (HBLs) EPA uses for determining whether to delist wastes under 40 CFR section 260.22. In an attachment, AZA lists all HBLs for those SFIP chemicals given the same oral toxicity weight as zinc in the SFIP. This listing shows that all but two of the chemicals with the same oral toxicity weight as zinc have more stringent HBLs than zinc. The AZA believes this is strong evidence that the SFIP's oral toxicity weights were developed in error.

As further evidence that the toxicity weights used in SFIP are suspect, the AZA states that the Reference Dose (RfD) for zinc, upon which the toxicity weighting for zinc is based, supplies less than the Recommended Dietary Allowance (RDA) for infants, children and pregnant and nursing women. The AZA comments that all zinc compounds are given an oral and an inhalation toxicity weight of 10. However, a number of zinc compounds are "Generally Recognized as Safe" (GRAS) for human ingestion by the Food and Drug Administration. The AZA questions whether SFIP methodology took into account the GRAS status of certain zinc compounds. The Association also questions how these compounds can be given toxicity weightings that are an order of magnitude greater than, e.g., methanol, MEK or ammonia.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Lois N. Epstein, Environmental Defense Fund

Ms. Lois Epstein, Senior Engineer, Environmental Defense Fund (EDF), submitted written comments in the form of her prepared statement at the May 14, 1997 Public Meeting. The submission consisted of a three-page statement with an attachment, for a total of four pages. Ms. Epstein states that the Environmental Defense Fund (EDF) is a non-profit research and advocacy organization, with over 300,000 members nationwide made up of scientists, engineers, attorneys, and economists. According to Ms. Epstein, EDF is actively involved with right-to-know issues, and their staff uses EPA and other databases in their research and advocacy efforts. EDF expresses strong support for the SFIP and its sector-based approach. EDF conveys that for many years the public has wanted access to a streamlined database for facility comparisons on a sector-by-sector basis. EDF stresses that a sector approach and the project's inherent multi-media nature promotes pollution prevention.

The EDF written comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. EDF commends EPA on its sector-based approach for the SFIP and says that it is important to know all the Standard Industrial Classification (SIC) codes for a facility (not just the primary SIC code) to aid the public in making accurate facility comparisons. In addition, EDF feels that by enabling comparisons of similar production processes, a sector-based approach is useful in promoting pollution prevention by identifying opportunities for waste reduction.

Appropriate Indicators. EDF uses EPA data and is pleased that the SFIP presents production and facility capacity data for normalizing purposes, as this is useful for making comparisons among facilities in certain sectors. This type of information could be used to identify causes of facility differences in terms of environmental issues facing them, and would help to identify pollution prevention opportunities.

EDF supports the inclusion of toxicity weights in SFIP, as it enables EDF to make more accurate facility comparisons based on a scale of the relative hazard that the facility imposes on a community.

Also, EDF sees the inclusion of enforcement information in SFIP as positive, since this information will allow the public to make comparisons among facilities in terms of their compliance with federal environmental regulations.

Finally, EDF applauds EPA's inclusion of demographic statistics in the SFIP because it will help organizations such as EDF and the public to identify industrial sectors and facilities where there might be significant environmental justice and dense population concerns.

Alternative Indicators. EDF includes several suggestions regarding additional indicators that the organization would like EPA to include in SFIP. First, EDF urges EPA to add data on a facility's total production waste as reported in Sections 8.1 to 8.7 of the TRI Form R. EDF feels that adding this information will help to promote source reduction, which is the highest level on the waste management hierarchy.

Second, EDF would like to see facility-level data from the Occupational Safety and Health Agency and Bureau of Labor on worker injuries and fatalities and the environmental or safety causes for these events, as well as statistics on the number of workers at a facility.

Third, EDF would like EPA to incorporate ecotoxicity and fish kill data from EPA's Emergency Response and Notification System (ERNS) and any other relevant databases into SFIP.

Finally, EDF would like to see NO_x, SO_x, Volatile Organic Compounds (VOCs), and other air emissions data from EPA's AIRS database in SFIP once these data are normalized.

Longer-term Improvements. None recommended.

Formats for Public Access. EDF acknowledges that some of the data in SFIP may not be completely accurate but stresses that getting the information out to the public is the best and fastest way to get feedback from facilities in identifying inaccuracies in the data, as well as insuring that these inaccuracies are rapidly corrected.

Uses of SFIP data. EDF states that the organization would use the data presented in SFIP to make facility comparisons, identify opportunities for pollution prevention, and identify communities with environmental justice issues.

EDF believes SFIP gives the EPA and the public an opportunity to compare states' performances. SFIP could be used to compare similar facilities in different states, and therefore give an indication of the states' performance (in terms of number of inspections versus enforcement actions). During the Public Meeting the EDF representative presented a chart from an EDF study entitled "*Ranking Refineries: What do we know about oil refinery pollution from right-to-know data?*" which ranked petroleum refineries in different states in terms of waste per barrel refined. (A copy of this chart is included in EDF's written submission to the Public Docket.) EDF used the study to compare states with poorly performing refineries to states with the best performing refineries. The study stated that in the more poorly performing states, the refineries were exempt from certain air regulations, whereas in one of the better performing states, refineries were subject to material accounting regulations. EDF asserts that as more regulatory power is transferred to the states, additional policy research is needed to identify these types of differences among states. According to EDF, SFIP provides this type of information.

James L. Palmer, Jr., Mississippi Department of Environmental Quality

James Palmer Jr., Executive Director of the Mississippi Department of Environmental Quality (DEQ), submitted a one-page letter endorsing the comments and documentation submitted by the Environmental Council of States at the May 14, 1997 Public Meeting. He states that the DEQ is committed to working with EPA to provide more accurate, meaningful and easily understood information to the public, but urges EPA to delay issuance of the SFIP and work with stakeholders to develop a methodology that more accurately represents the compliance status of facilities. The letter submitted did not specifically address any of the seven focus topics from the Federal Register (FR) Notice.

J. Routt Reigart and Joy E. Carlson, Children's Environmental Health Network

Dr. J. Routt Reigart and Ms. Joy Carlson, respective Chair of the Board and Executive Director of The Children's Environmental Health Network (the Network), submitted written comments consisting of a three-page letter. According to the commenters, the Network is a national multi-disciplinary project whose mission is to "promote a healthy environment and protect the fetus and the child from environmental hazards." The Network comments that the SFIP is a critical next step in the Agency's responsibilities to compile, analyze and disseminate information of relevance to its constituencies. Since most of the information to be provided through the SFIP is already in the public domain, the SFIP is consistent with the Administration's Reinvention initiative to make these data more meaningful and accessible to the public. They also comment that the SFIP itself may help to encourage improvements in the data, since those collecting the data will see a real world use for their information.

The Network written comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. The Network comments that information needs to be more detailed. Specifically, the population data should include residents' ages and racial and ethnic breakdowns, and the percentage of the population that are children or elderly. Economic data should show gradations of residential income.

Alternative Indicators. The Network urges the Agency to seek out relevant health data to include in the SFIP so that EPA can study and identify situations where a link between exposures and health effects exist.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. None recommended.

Nancy W. Newkirk, Perkins Coie

Ms. Nancy Newkirk, Co-Counsel for the Compliance Management and Policy Group (CMPG), submitted comments on behalf of the CMPG and the American Automobile Manufacturers Association (AAMA). The submission consisted of an eight-page letter. The comments are essentially the same as Ms. Newkirk's statement read at the May 14, 1997 Public Meeting, and include additional information on the organizations' suggestions for alternative indicators which they feel should be included in SFIP.

CMPG states that it is an ad hoc coalition of industry representatives from the American Petroleum Institute, the American Forest and Paper Association, the Chemical Manufacturers Association, Browning Ferris Industries, Inc., General Electric, and the American Automobile Manufacturers Association (which is an affiliate to CMPG on issues of new measures of enforcement success). CMPG/AAMA commend EPA for allowing the public to comment on the development of SFIP. However, CMPG/AAMA have several problems with the way SFIP measures a facility's compliance status, and therefore urge EPA to delay releasing the project to the public. CMPG/AAMA feel that the measurement of overall compliance status in SFIP does not illustrate the complexity of compliance issues faced by a facility. CMPG/AAMA strongly feel that the more appropriate forum for measuring facility compliance is through EPA's National Performance Measurement Strategy (NPM Strategy) and highly commend EPA on this effort. The two organizations urge OECA to await the release of the NPM Strategy before proceeding with SFIP. CMPG/AAMA also encourage EPA to be mindful of the concept of "information stewardship" and to present accurate data in SFIP. Otherwise, the public and state and federal enforcement resources will be diverted from areas of real enforcement concern.

The CMPG/AAMA written comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. CMPG/AAMA feel that the NPM Strategy is the appropriate forum to address improvement in measurement of a facility's compliance status. They think that SFIP results in overlapping efforts and undermines the work being done on the NPM Strategy. CMPG/AAMA have serious problems with the way a facility's compliance status is measured under SFIP, and, as a result, recommend that EPA delay release of SFIP until the NPM Strategy is finished in the fall. CMPG/AAMA express concern that the SFIP compliance characterizations do not increase the public's understanding of a facility's environmental record. They state that SFIP does not distinguish between a well-run complex facility with numerous regulatory obligations, and a smaller, less complex facility which may have fewer obligations or fewer inspections. CMPG/AAMA also mention that the compliance measurement in SFIP does not differentiate between notices of violations and actual violations, and thus gives an impression of greater noncompliance at a facility. In addition, CMPG/AAMA assert that

the compliance profiles presented in SFIP do not distinguish between minor paperwork violations and serious violations, do not reflect the duration of noncompliance, and do not exclude compliance problems for which no enforcement action was taken.

Alternative Indicators. CMPG/AAMA believe that EPA currently has the data necessary to present facility profiles that are more accurate and meaningful representations of a facility's compliance history. These include measures of the nature and severity of noncompliance to help distinguish between a minor paperwork violation and a more serious violation. CMPG/AAMA suggest that EPA establish a method to classify noncompliance events based on their impact on public health and the environment and the company's degree of culpability. Additionally, CMPG/AAMA suggest that including a record of instances of noncompliance which are self-reported, as well as a facility's actions to return to compliance, would make the facility profiles in SFIP more meaningful.

CMPG/AAMA stress that the presentation of compliance rates in SFIP is too simplistic and does not reflect the complexity of regulations and compliance actions faced by a facility. CMPG/AAMA state that SFIP compliance measures should reflect this complexity.

CMPG/AAMA recommend including a list of the major environmental regulations affecting a facility in the facility profiles, as well as an indicator that measures the complexity of these regulations. CMPG/AAMA suggest a complexity scale of high, medium, and low based on factors such as: technological feasibility, complexity of the rule, regulatory burden, number of regulatory schemes that apply to the facility, the number of monitoring and reporting requirements for the facility, and the level of coordination required among relevant regulatory authorities.

Additionally, CMPG/AAMA suggest a new indicator which they feel could be added to SFIP. They assert that if EPA is going to include demographic information in SFIP, it should also include information on the economic impact that facilities have on their surrounding communities -- information on number of jobs provided, taxes paid to state and local governments, and overall economic contribution to the community.

Longer-term Improvements. None recommended.

Formats for Public Access. CMPG/AAMA stress that when EPA does release SFIP to the public, it should consider the concept of "information stewardship." The organizations encourage EPA to release accurate information and to attach all the necessary caveats with the data.

Uses of SFIP data. None recommended.

Josephine Cooper and Cindy Evans, American Forest & Paper Association

Ms. Josephine Cooper, Vice President of Regulatory Affairs and Ms. Cindy Evans, Environmental Counsel, submitted written comments on behalf of the American Forest & Paper Association (AF&PA), which were consistent with the oral testimony of Ms. Cooper at the May 14, 1997 Public Meeting. The submission consisted of a twelve-page letter plus one attachment, for a total of fourteen pages. The written comments state that the AF&PA is the national trade association of the forest, paper, and wood products industry, and represents nearly 200 companies. The written comments further state that the AF&PA represents an industry that accounts for over eight percent of the total U.S. manufacturing output and ranks among the top ten manufacturing employers in 46 states.

As one of the five industry sectors that OECA has chosen to profile under the SFIP, the AF&PA has concerns about how OECA selected these sectors. The AF&PA asserts that this selection creates an unfair stigma for the profiled sectors.

The AF&PA commends OECA for opening the SFIP to public and peer review. It agrees with EPA that information should be available and accessible to the public on environmental matters. However, the Association states that the execution of SFIP as currently proposed is flawed. SFIP would mislead and misinform the public, damage U.S. companies, and create an enormous burden for the states. They state that if OECA moves forward with SFIP, EPA will undercut progress on projects such as the Facility Identification Initiative, the National Performance Measures Strategy, and the TRI Indicators Project. AF&PA believes that these three EPA initiatives are more appropriate venues for developing better ways to identify the universe of regulated facilities, conduct multi-media analyses, measure compliance, and assess risk.

The AF&PA feels the Agency is rushing the release of flawed data, and assumes this is due to the Agency's belief that the "Reinventing Environmental Regulation" report compels the hasty public issuance of the SFIP profiles. On this point, the Association cites a statement made by the states in a resolution of the Environmental Council of the States (ECOS), which says "inaccurate or misleading information released to the public will create a serious and non-productive drain on constrained public resources at the federal, state and local level in responding to questions and providing clarification of the information." EPA, the Association states, lacks a systematic approach to ensuring the integrity of its data systems.

In light of the concerns that both industry and the states have raised, AF&PA feels that EPA should not begin to consider adding any new categories of information, including those proposed by AF&PA, until it resolves these problems. The Association believes it is essential for EPA to continue to discuss this project with the affected stakeholders before the SFIP profiles are released.

The remaining AF&PA comments are summarized according to the topics below:

Improving Public Access. The Association believes it is imperative that EPA address the flaws in its data systems before it packages or manipulates the data for public consumption. AF&PA expresses serious concerns with a government agency placing flawed information into the public domain in a format that the Association claims many reviewers find misleading.

AF&PA disagrees with two statements made at the May 14 Public Meeting. The first is that the more SFIP data is used, the more its quality will improve. The second is that the affected industry groups have refused to review the SFIP profile data before they are released to the public. The Association disagrees with both of these statements.

The AF&PA urges EPA to ensure that all facility-specific data it releases to the public, including the presentation format, be subject to rigorous quality assurance procedures, and to consult with experts in this area before embarking on any data system improvement effort.

Sector Approach. The AF&PA feels it is very difficult to make meaningful comparisons between facilities within the same industry due to many variables. In the pulp and paper industry, facilities vary significantly depending upon the basic raw materials (hardwood, softwood, recycled fiber), the process used, the products produced, and the size and complexity of the mill. The Association also states that the problems with EPA's databases need to be resolved before EPA can even consider comparing facilities.

Appropriate Indicators. AF&PA has many concerns with the SFIP indicators. It feels that the juxtaposition of information in the SFIP implies a relationship between unrelated data, e.g., TRI information with enforcement information; or population information with "hazard scoring" and TRI release information. The Association includes many comments on the use of toxicity weighting factors as applied to TRI data. It maintains that the toxicity weighting scheme uses the Agency's Hazard Ranking System (HRS) in a way that it was never intended, and that the toxicity weighting factor approach used in the SFIP is overly simplistic and scientifically flawed. The Association questions why the Agency is using this interim method when it may later be superseded by the TRI Indicator Model under development by EPA's Office of Pollution Prevention and Toxics. The Association also disagrees with EPA's proposal to subcategorize TRI releases according to health and environmental effects (e.g., cancer, neurotoxicity, ecotoxicity), as it feels that leaving out exposure information may incorrectly alarm the public.

The written comments of the AF&PA include an attachment with specific recommendations regarding the inclusion of TRI data in the SFIP profiles.

The AF&PA, as a member of the Compliance Management and Policy Group (CMPG) with whom it is providing input into the National Performance Measures (NPM) Strategy, feels that the SFIP compliance methodology is inconsistent with and undercuts the NPM Strategy process. AF&PA is concerned that the SFIP does not distinguish between a "paperwork" violation and one that causes actual environmental harm; one instance of

noncompliance in a quarter is given the same weight as one hundred such events; and the total number of environmental requirements applicable to a facility is not accounted for in SFIP.

Alternative Indicators. The AF&PA concurs with the CMPG and ECOS comments, which recommend that EPA provide alternative facility information that would assist in giving a meaningful assessment of a facility's compliance status, such as differentiating substantial from non-substantial violations, and taking into account the duration of violations.

Longer-term Improvements. Concerning the collection of new categories of information to include in SFI profiles, AF&PA believes many in the regulated community would support changes in data collection that would lead to improvements in EPA's compliance measurement efforts. However, according to AF&PA, EPA should not add to the already substantial reporting burden of the regulated community without first ensuring that it is making the best use of the information it has at hand.

Formats for Public Access. None recommended.

Uses of SFIP Data. AF&PA is aware that the profiles released under the SFIP can be used by organizations that have the ability to affect the financial future of the profiled facilities and by environmental organizations to target facilities.

Lisa G. Williams, Aluminum Association

Ms. Lisa G. Williams, Environmental Affairs Manager for the Aluminum Association (the Association), submitted written comments consistent with her oral statement at the May 14, 1997 Public Meeting. The submission consisted of a five-page statement. According to Ms. Williams, the Aluminum Association represents 11 of the 13 companies engaged in primary aluminum production at 23 U.S. facilities, producing primary and secondary aluminum, aluminum alloys, and related products. Ms. Williams states that the Association supports the public's right to accurate information about chemical releases. However, it feels that the SFIP, as proposed, would result in the publication of misleading and inaccurate information.

The Aluminum Association believes that the selection, manipulation, and presentation of information, as in SFIP, represents new policy and that the basis for the toxicity-weighting factors represents new definitions and calculations in a methodology that has not been peer reviewed or published for comment. The Aluminum Association feels that the SFIP in its present form has serious problems with data quality and methodology, and these must be addressed before proceeding. The Association looks forward to a constructive dialogue with EPA in addressing these concerns.

The Aluminum Association comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. The Aluminum Association questions the utility of using the SFIP for cross-industry and inter-industry comparisons with only eight industries presented in these profiles. The Association emphasizes that the primary aluminum industry is distinct from the primary copper, lead and zinc industries.

The Association also expresses concern that, due to a facility's location, many primary aluminum production plants may be inaccurately grouped with facilities that have other operations, such as metal casting or coil coating, which are not reflective of "primary aluminum production" and have different environmental profiles.

Appropriate Indicators. The Aluminum Association comments that the use of the Toxic Release Inventory releases as an indicator of chemical risk is misleading. In addition, the Association feels that presentation of these data in the context of a compliance database infers that they are uncontrolled, unregulated releases.

The Association states that it is somewhat reassured by EPA's referral of the toxicity weighting system of the SFIP to the EPA Science Advisory Board. Sufficient information also needs to be provided to allow the public to comment on the basis of the toxicity weighting factors (TWF). The Association comments that the TWF methodology is borrowed from EPA's TRI Relative Risk Indicators Model which is still under development and has not been reviewed. The Association writes that it is important to note that toxicity-weights are not risk factors but hazard indicators, because they do not

consider dose/response and exposure. Thus, the Association asserts that the proposed approach distorts the depiction of risk.

In its written comments, the Aluminum Association provides an example of what the Association considers an inappropriate use of compliance data identified during their initial review of the SFIP primary aluminum facility data. The Washington State DEQ database includes “Permit to Construct” issuances as a type of “Administrative Action.” The Association is concerned that the SFIP is interpreting such administrative actions (e.g., the installation of control apparatus) as an enforcement action.

The Association also feels that the SFIP compliance profiles fail to assess a level of severity of regulatory violation, and asserts that paperwork violations do not involve the same level of risk as illegal chemical spills or improper waste storage.

The Aluminum Association does not see the need or pertinence of financial disclosure information or statements to the SFIP. It is available from the Securities and Exchange Commission and is not related to the mission of EPA.

Alternative Indicators. The Aluminum Association supports the addition of a voluntary environmental program data set, and has provided such information to the agency in its development of the Primary Non-Ferrous Metals Sector Notebooks. They also encourage EPA to review available data on voluntary programs, including the Voluntary Aluminum Industrial Partnership whereby aluminum companies are committing to reduce greenhouse gas emissions.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. None recommended.

American Petroleum Institute

The written comments of the American Petroleum Institute (API) consisted of thirteen pages plus one attachment, for a total of fourteen pages. API states that it is a non-profit trade organization with over 300 members that represent all aspects of the petroleum industry, including petroleum refining. The written comments submitted by API reiterate that it supports the public's right to know about the environmental risks it faces, but believes that EPA has an obligation to the public to provide accurate and meaningful data, and that SFIP does not meet this criteria. The written comments submitted by API provide further details regarding toxicity weighting, which it feels are inappropriately used by SFIP. Some of these issues were raised at the May 14, 1997 Public Meeting. API feels that SFIP as it currently stands does not meaningfully measure risk or potential hazard, and is therefore a "crude and limited screening tool." Additionally, API also states that EPA's National Performance Measurement Strategy and Facility Identification Initiative are more appropriate for providing meaningful compliance information and comprehensive multimedia information for all industries, and coordination and integration of SFIP with these two efforts needs to take place. API also comments that it agrees with the issues raised by the Environmental Council of States (ECOS) at the Public Meeting.

The API written comments are summarized by topic below:

Improving Public Access. API comments that it strongly believes that individual facilities should be allowed to review the data in SFIP before it is released to the public. API argues that if EPA and the delegated state agencies admit that the state-generated compliance data in SFIP is of poor quality, it is in the public's best interest that facilities be allowed to review the data and make data quality checks before the project's release.

Sector Approach. No comments.

Appropriate Indicators. API mentions that the TRI release data presented in the SFIP are not a sound basis for making facility comparisons, since these data vary depending on whether releases for a facility are monitored or estimated.

The written comments submitted by API provide greater details regarding its concerns about the toxicity weighted factors in SFIP, which it feels are substantially flawed. API states that because of these flaws, the toxicity-weighted TRI releases are not useful for determining violations which pose the greatest environmental threats, and are not meaningful measures of environmental performance. API asserts that the toxicity weighting factors, based on IRIS and HEAST databases that themselves have not been peer reviewed, are arbitrary and inconsistent. The Institute feels that the toxicity weighting of TRI releases, absent the context provided by exposure and dose response modeling, will likely mislead the public. API acknowledges that regardless of the lack of peer review, the IRIS database holds a wide range of useful information. However, SFIP's toxicity weighting factors only use the recommended exposure level from the database, which API feels is the most uncertain aspect of the database.

API states that multiplying the TRI releases by toxicity weighting factors only compounds the effect of already faulty TRI data. API continues by saying that the toxicity-weighted TRI release data presented in the SFIP are a measure of hazard, but that they are only a limited measure of hazard. API expresses concern that EPA had not provided any explanations of this limitation within SFIP itself, only in separate explanatory documents. API also asserts that the multiplier used in the toxicity weighting will magnify the variability of the underlying data. The wide range of the toxicity weights will have a dramatic effect on a facility's ranking of TRI releases.

API points out that the weighted TRI releases do not represent risk, because no measure of dosage is taken into consideration. Further, without any presentation of risk potential thresholds, the toxicity-weighted TRI data will imply a risk when no risk may be present.

API stresses that TRI underground injection information and controlled releases to land should not be included in SFIP, since chemicals disposed of in this way do not pose a potential hazard or risk. According to API, underground injections and controlled releases are strictly regulated under RCRA and must meet "no migration" standards. Therefore, these pathways do not have the same exposure, and therefore hazard factor, as do air releases. API maintains that inclusion of these TRI release pathways only makes SFIP weaker.

API also details its views on the compliance history indicators in SFIP, stating that the way that compliance history is currently portrayed in SFIP is not meaningful or accurate. First, API states that it is not clear what "noncompliance," as used in SFIP means, since this definition varies among Regions and states. Second, API is concerned that facilities will be portrayed as being in violation, when this may not be the case, because SFIP does not distinguish between actual violations and notices of violations. Finally, API supports the Compliance Management and Policy Group statement that SFIP does not take into account the number and complexity of compliance obligations or the regulatory arena in which a facility operates. In this regard, API feels that the National Performance Measurement Strategy is a better means for developing accurate measures of facility compliance.

Alternative Indicators. During the May 14 Public Meeting, several presenters suggested including Emergency Response Notification System (ERNS) data in SFIP. API opposes the inclusion of ERNS data because it feels that this will not advance the goal of the Reinvention initiative. API asserts that most spills occurring within a facility do not affect areas outside the facility. To illustrate its point, API attaches a 1995 EPA Quick Reference Fact Sheet on ERNS Statistics (EPA 54-F-94-026) with their written comments. The fact sheet points out some data limitations in ERNS, such as multiple reports of a single incident, data quality limitations (since reports are taken over the phone), and limited updates unless a Region is involved in the response action.

Additionally, API writes that data on off-site transfers for recycling, treatment, or disposal are already available to the public on a facility-specific basis; and including this in SFIP

would be redundant. API states that if EPA does include these data, they should have appropriately caveats, e.g., it should be stated that off-site transfers are done to reduce risks associated with managing chemicals on site.

Finally, API does not want estimated environmental liability data from SEC reports to be included in SFIP, because liability data is reported on an aggregate basis and not by facility. As an alternative, API feels that information on total expenditures by facilities on environmental protection would be a better measure of environmental performance. API states that the petroleum refining industry spent 5.5 billion dollars in 1995 on environmental protection, illustrating the industry's commitment to protecting the environment.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP data. None recommended.

Krishna Parameswaran and Charles Elkins, ASARCO Incorporated

Mr. Krishna Parameswaran, Manager, Regulatory Development Government Affairs, ASARCO Incorporated (ASARCO) submitted a two-page letter; and Mr. Charles L. Elkins, Vice President, Jellinek, Schwartz & Connolly, Inc., submitted thirteen-pages of public testimony given on two separate occasions, one to the EPA Science Advisory Board on April 29, 1997 and the other at the May 14, 1997 SFIP Public Meeting, on behalf of ASARCO. The total submission consisted of fifteen pages.

According to Mr. Elkins, ASARCO is one of the world's leading producers of primary nonferrous metals and a member of the National Mining Association and the Lead Industries Association. While ASARCO fully supports the public's right to know about risks posed by a facility, it asserts that EPA's release of facility data through the SFIP will not provide accurate information but will instead lead to significant misunderstanding and misuse.

ASARCO does not dispute the importance of providing relevant information about the environmental performance of facilities to the public, and recognizes that information programs, if conducted well, can provide a great deal of flexibility to industry and communities alike in tailoring environmental protection to geographically localized situations. ASARCO supports the release of scientifically sound, constructive, facility-specific information that is presented in a context that can be understood and used appropriately by the public. ASARCO comments that the Agency should await the scientific work necessary to make the SFIP both consistent with the public's right to know and with sound science before releasing it. ASARCO feels that EPA has a responsibility to review and verify the information to ensure its accuracy and to avoid potential misunderstandings. Because ASARCO shares EPA's objective of helping the public understand the risks that a facility may pose, ASARCO would be happy to help EPA construct a complete bridge to sound risk assessment by the public.

The ASARCO comments are summarized by topic below:

Improving Public Access. ASARCO supports the public's right to know about risks posed by a facility. However, ASARCO is concerned with any plan to release SFIP information to the public without a process to review the validity and accuracy of that information.

ASARCO states that despite the fact that TRI only provides raw release data, and despite caveats in the EPA reports, many people use the TRI database as an indicator of risk, and that once toxicity weighting is included, many more people are likely to make a similar mistake.

ASARCO is concerned with the peer review and stakeholder involvement process EPA undertakes with such an information-providing program as compared to a traditional rulemaking. According to ASARCO, the SFIP has been criticized for providing incomplete information and having information gaps, and someone must take

responsibility for filling them, but he questions the ability of either industry or the public to adequately address these gaps.

ASARCO describes the Indexing Project as an affirmative action by EPA to package information and present it to the public as a tool for decision-making about risk. He comments, however, that there is a major difference between making existing data available to the public when requested, and a project such as the SFIP, where EPA creates new numbers that oversimplify the actual situation, and provides incomplete and confusing data.

Sector Approach. No comments.

Appropriate Indicators. ASARCO believes that OECA's toxicity-weighting methodology does not address the fate and transport and exposure pathways for chemical releases; consequently, SFIP information does not accurately portray risk.

ASARCO presents in detail an analogy comparing risk assessment to a bridge consisting of three parts; toxicity, fate and transport, and exposure; and comments that the SFIP only accounts for one of these three segments, toxicity. ASARCO points out that the lack of information about risk in TRI was recognized as one of its shortcomings from the very beginning of the program, but that adding this information was also recognized as a very complex undertaking. An example is provided from the primary lead and copper smelting industry, noting that EPA's top five aggregate toxicity-weighted TRI release scores are for primary lead and copper smelting facilities. For each facility, about 80 to 95 percent of the total facility-wide aggregate scores are attributable to lead contained in slag. However, slag is a material that binds any unrecovered metal in a vitreous silicate matrix. Metals contained in the slag result in little, if any, release to the environment. ASARCO maintains that the fate and transport of a chemical - in this case its mobility - is essential to determining that chemical's risk.

ASARCO believes that EPA's toxicity weighting methodology has an inadequate scientific foundation. The methodology relies on the IRIS database, which has not been peer-reviewed, and does not include important contextual information such as uncertainty values from IRIS. By incorporating numbers from IRIS into SFIP where they cannot be challenged, ASARCO feels that EPA is undermining the integrity of the EPA Science Advisory Board review process. ASARCO maintains the toxicity weighting methodology is also faulty because it combines different effects and risk factors, and does not account for thresholds.

Alternative Indicators. ASARCO suggests that EPA consider working with a few facilities on a voluntary basis to develop more comprehensive, site-specific, risk-based information that accounts for fate and transport, and exposure.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. None recommended.

Amy Lilly, Association of International Automobile Manufacturers, Inc.

Ms. Amy Lilly, Director, Manufacturing Operations of the Association of International Automobile Manufacturers, Inc. (AIAM), submitted written comments in the form of her prepared statement for the May 14, 1997 Public Meeting. The submission consisted of 20 pages of comments and attachments. There were some revisions, however, to AIAM comments made at the public meeting in response to issues raised regarding appropriate indicators and uses of SFIP data, as well as the accuracy of SFIP data and the environmental performance of the automobile industry. According to Ms. Lilly, the AIAM represents subsidiaries of 18 international automobile companies doing business in the U.S. Member companies distribute passenger cars, light trucks, and multipurpose passenger vehicles.

AIAM strongly believes that SFIP will destroy the trust and the environmental improvement gained through various regulatory reinvention efforts supported by EPA Administrator Carol Browner. The Association does not believe that there is any way to fix SFIP because AIAM considers it to be inherently flawed. While AIAM supports the community right-to-know approach, the Association does not feel that this is the true goal of SFIP and strongly encourages OECA to focus its resources on initiatives such as the National Performance Measures Strategy.

AIAM feels that targeting five industrial sectors for SFIP is a misdirected effort on OECA's part, since, AIAM states, federal facilities have much worse environmental performance records than most industrial facilities. AIAM cites a report from the Department of Defense and the Department of Energy which shows that the country's nuclear arms facilities pose a greater environmental threat to the public than any one or group of industrial facilities. AIAM goes on to state that EPA's water program found that federal and municipal facilities were likely have 1½ to 3 times higher noncompliance rates than industrial facilities. AIAM feels, therefore, that EPA should focus more of its efforts in improving the environmental performance of federal facilities.

AIAM mentions that representatives from public interest groups at the May 14 Public Meeting stated that since the data used in SFIP are self-reported (TRI), any data errors in SFIP were due to industry incorrectly reporting that data in the first place. AIAM points out that this is a misconception on the public's part caused by a lack of understanding of where EPA receives the data and how the data are transcribed, and that data errors are not simply due to misreporting by industry. Additionally, AIAM expresses its concern that environmental groups at the Public Meeting stated that they would use SFIP to rank facilities: precisely what SFIP was not aimed to do.

The AIAM written comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. AIAM feels that it is impossible to use TRI data for facility comparisons since TRI data do not account for differences in facility operations (e.g., painting versus body assembly).

Appropriate Indicators. While the Association acknowledges EPA's effort to consider production capacity in its facility comparisons, AIAM feels that this normalization is inadequate since the indicator does not account for differences in vehicle surface area. AIAM also believes that the methodology used to calculate compliance indicators is oversimplified, and does not account for differences in compliance obligations which vary according to state programs (e.g., some states may require Lowest Achievable Emissions Rate technology), local conditions, and diverse facility operations. AIAM is concerned that compliance indicators only paint a negative image of environmental performance and fail to account for positive accomplishments by facilities. As a result, the Association believes that SFIP will discourage self-auditing and participation in regulatory reinvention programs. Thus, facilities may be reluctant to share information with EPA which will be used against them by OECA. AIAM adds that in terms of compliance records, facilities in the automobile sector compare favorably to those in other industrial sectors.

Alternative Indicators. AIAM does not advocate additional data collection for inclusion in SFIP.

Longer-term Improvements. None recommended.

Formats for Public Access. None recommended.

Uses of SFIP Data. Written comments submitted by AIAM include a case study example detailing how SFIP data presented on a quarterly basis could potentially be misused. The Association states that an environmental group, the Project Environmental Foundation, misused data and was able to portray the environmental performance of facilities in Minnesota as deplorable although the rate of compliance within the state was above the national average. From 1987 through 1989, noncompliance rates with NPDES permits (issued under the Clean Water Act) was five percent for Minnesota facilities, compared to 8 to 12 percent nationwide. In 1990, the Project Environmental Foundation audited the Water Quality Division of the Minnesota Pollution Control Agency and released a report stating that 100 percent of the major dischargers and 97 percent of minor dischargers in Minnesota violated their permits.

Rich Puchalsky, The Unison Institute

Mr. Rich Puchalsky, Senior Program Manager, Unison Institute (the Institute) at the time of the May 14, 1997 Public Meeting, submitted written comments consistent with his oral testimony presented at the Public Meeting on May 14, 1997. The submission consisted of a six-page letter. According to Mr. Puchalsky, the Unison Institute (The Institute) is a nonprofit organization dedicated to information technology in the public interest. The Institute supports SFIP and believes that SFIP will act as an impetus for the Facility Identifiers and TRI Indicators initiatives, and demonstrates that ENVIROFACTS and IDEA can be used by EPA as sources of raw and analyzed data. The Unison Institute comments that SFIP is a welcome initiative since enforcement data have not, to date, been as available to the public as have toxics release data.

The Unison Institute plans to provide free access to SFI through an Internet searchable database, and through direct integration with the other databases on RTK NET.

The Institute comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. No comments.

Appropriate Indicators. The Unison Institute comments that it is important to keep track of paperwork violations in SFIP, and that while some facilities may have more compliance requirements to fulfill, the Unison Institute feels that facilities with more requirements generally have greater potential hazard. In response to industry concerns that reporting facility compliance status on a quarterly basis would magnify the effect of a single-day violation into noncompliance for an entire three months, the Institute points out that EPA databases currently track violations on a quarterly basis and this is the most common method of summarizing data for the public.

Alternative Indicators. The Unison Institute suggests that TRI total waste divided by production is a better indicator to measure pollution prevention efforts, and that underground injection data should be included in TRI total release indicators.

While the Institute supports the toxicity-weighting process of TRI chemicals in general, it states that it is a mistake to omit from the rankings those chemicals not yet rated due to insufficient information. In these situations, the Institute recommends that such chemicals be assigned a median value.

The Unison Institute recommends that SFIP include data on total penalties in dollar amounts, as well as quarters in noncompliance, as a measure of the final degree of legal sanction against a facility. In addition, the Institute recommends that SFIP include Regional, state and local-level enforcement data to give a fuller history of a facility.

Longer-term Improvements. The Unison Institute comments that if industry wants exposure data to be included to make SFIP more accurate, more monitoring will be required. The Institute also states that if industry wants more accurate data, industry should consider reporting the data more accurately in the first place.

Formats for Public Access. None recommended.

Uses of SFIP Data. The Unison Institute believes that the release of the SFIP data will not confuse the public as has been suggested, and that every stage of (TRI) right-to-know expansion has brought greater public understanding, not greater public confusion.

Georgia A. Callahan, Texaco

Ms. Georgia A. Callahan, Manager of Legislative and Regulatory Affairs for Texaco Environment and Product Safety, submitted written comments consisting of a six-page letter. Texaco states that it cannot support the SFIP as presented at the May 14, 1997 Public Meeting, and urges EPA to postpone the project or its release until the completion of EPA's National Performance Measures (NPM) strategy. Texaco sees a resemblance between EPA's stated goals of SFIP, the purposes of the Facility Identification Initiative and its ENVIROFACTS Internet site, and feels that the public is not well-served by multiple information initiatives that overlap significantly.

Texaco agrees with the Environmental Council of the States in that "inaccurate or misleading information released to the public will create a...drain on...resources...in responding to questions and providing clarification of the information." Texaco calls for EPA to delay or terminate the SFIP.

Texaco suggests that EPA pilot the SFIP with a locality or a focus group to test public comprehension of the data, as well as alternative ways of presenting the data. Companies should be offered the opportunity to review draft "profiles" of themselves. Texaco has found through its experience that redundancies and inaccuracies occur regularly in federal databases.

The Texaco comments are summarized by topic below:

Improving Public Access. No comments.

Sector Approach. Texaco does not feel that comparing petroleum refineries on the basis of TRI releases is meaningful. The company comments that there are too many variables between refineries that account for differences in TRI releases, even when "normalizing" on the basis of throughput.

Appropriate Indicators. According to Texaco, the way that compliance data are being presented in SFIP (i.e., by using quarters of non-compliance) treats all violations equally, and does not inform the public about the potential impact of violations on human health and the environment. SFIP needs to make more distinctions, for example, between repeated uncorrected violations identified by an inspector from those where a facility self-reported non-compliance or was responsive in correcting an identified problem. As currently proposed, Texaco is concerned that SFIP will bring undeserved negative attention to some facilities and companies. For example, according to Texaco, a facility with a large number of relatively minor paperwork or quickly-remedies violations may appear to be a "bad actor", while another which lags badly in attending to its few, but serious, violations may appear exemplary by comparison.

Texaco comments that using high TRI releases as an indicator of an environmental problem is misleading, since most TRI releases are permitted by law. Texaco

recommends that off-site TRI transfer data must exclude recycling because recycling does not have an adverse impact on the environment. The company also feels that since TRI releases are reported on an annual basis, TRI does not provide information on the duration and mechanism of a release, making it impossible to calculate exposure or risk using TRI. Another concern is that TRI “releases” are just estimates, and that difficulties in interpretation abound among the personnel tasked with making those estimates due to the lack of pertinent definitions available from EPA. In addition, Texaco comments that any attempt to normalize against petroleum refinery production should be done on the basis of daily facility throughput rather than nameplate capacity, since it is more representative of actual operation.

Texaco comments that the proposed SFIP would array data in a manner that inappropriately infers a relationship between various indicators, when in fact no such relationship exists. Texaco is concerned that corporations will have to expend considerable resources to clarify misconceptions created by the facility scores and ranks on EPA’s spreadsheet if posted on the Internet. The company compares the SFIP to an environmental profile developed by the Investor Responsibility Research Center, which uses three different indices (an Emissions Efficiency Index, a Spill Index, and a Compliance Index), but does not juxtapose them or try to create a composite rank for a company. The company recommends EPA study the process devised by the Investor Responsibility Research Center to avoid harming corporate reputations without basis.

Alternative Indicators. Texaco suggests that a meaningful assessment of a facility’s compliance status would differentiate violations by at least the nature/type, significance/severity, duration, and frequency and extent of permit exceedances. Texaco also suggests expanding the SFIP format to present the number of non-compliances in the context of the number of compliance obligations to indicate the compliance “rate.”

Longer-term Improvements. None recommended.

Formats for Public Access. Texaco feels the SFIP may do financial harm by misleading investors if environmental data are publicized in the proposed format. Texaco suggests expanding the format to incorporate Internet links to corporate “home pages” that can provide additional data interpretation.

Uses of SFIP Data. None recommended.

Mark Weidler, New Mexico Environment Department

Mr. Mark Weidler, Secretary of the New Mexico Environment Department (NMED), submitted written comments consisting of a three-page letter. NMED does not see any advantage to combining information from multiple databases into a new database in an effort to provide a single source for all environmental information on a facility. It is the experience of NMED that inquiries from the public on the environmental history of a facility are usually media-specific.

The NMED written comments are summarized by topic below:

Improving Public Access. NMED believes that the best approach for EPA to improve the public's ability to access facility-specific environmental data is to simply provide more assistance to the public in finding the specific information.

Sector Approach. NMED comments that the sector approach may be beneficial to states with large numbers of facilities in a sector, but states such as New Mexico may not benefit because there are not enough facilities manufacturing the same product among which comparisons can be made.

Appropriate Indicators. NMED shares the concern of Don Schregardus of Ohio and Russell J. Harding of Michigan (in letters to Carol Browner) that combining data from different information categories (i.e., compliance history and TRI information) is not a realistic way to target enforcement or make decisions on community issues.

Alternative Indicators. NMED suggests letting the states develop their own indexing system based on the individual states' needs, using a common format from which the public can access the information nationally. The Department feels that certain indexing criteria limits the number of facilities indexed, i.e., permits held and formal enforcement actions, and eliminates large portions of the regulated community. Population and demographics, TRI information and toxicity weighting are all categories that can be included in a supplemental report.

Longer-term Improvements. NMED feels that the SFIP, Environmental Indicators, and the recent MOU guidance measures are very duplicative. EPA should propose one data collection and management system that addresses the needs of all these other initiatives and is manageable by the states.

Formats for Public Access. NMED has benefitted most from tab-separated databases which are easily accessed and user-friendly. However, Internet access would be advantageous.

Uses of SFIP Data. NMED would have little use or benefit from the information contained in the project as it is proposed.

Arthur Wiley Ray, Maryland Department of the Environment

Mr. Arthur Wiley Ray, Deputy Secretary of the Maryland Department of the Environment (MDE), submitted written comments consisting of a two-page letter. The Department supports the concept of improved public access to information relating to toxic chemicals and cautions that the public needs to understand the information. The Emergency Planning and Community Right-to-Know Act (EPCRA) has been the primary source of data for public dissemination and emergency planning. Enhancements to this program will likely enhance the goals of public awareness and safety that we are all seeking.

The MDE written comments are summarized by topic below:

Improving Public Access. No comment.

Sector Approach. No comment.

Appropriate Indicators. Existing reporting of the toxics release information that is expressed in simplistic terms of pounds per year released is easily understood by the public, but tends to be misinterpreted. MDE applauds the efforts to establish a toxic weighting process for each released substance as a means of comparing one substance with another.

Alternative Indicators. MDE suggests normalizing the data by facility production levels or a percentage of material input (if not considered confidential business information). This would take into account the production levels of a facility, which comparisons of absolute releases do not, and improve public understanding.

Longer-Term Improvements. MDE is concerned with the staff time associated with managing additional reports and information, and requests funding be provided for this if this project goes through. MDE also suggests automated reporting as one way to reduce the burden on the states.

Formats for Public Access. None recommended.

Uses of SFIP Data. None recommended.

Thomas C. Jorling, International Paper

Mr. Thomas Jorling, Vice President of Environmental Affairs for International Paper (IP), submitted written comments consisting of a four-page letter. The main concern that IP has with SFIP relates to EPA's data quality assurance procedures. IP comments that the databases being consolidated in the SFIP are not accurate and corrections to those databases that were requested by the company have not been made. International Paper requests EPA to design an Internet site informing the public what data are available, with links to the information itself. IP comments that EPA's Facility Identification Initiative will make it even easier for the public to access information.

The IP comments are summarized by topic as follows:

Improving Public Access. IP supports the public's right to know, and feels the advisory committees they have with the community at many sites have been very useful in the company's efforts to provide a forum for public input on site environmental programs.

Sector Approach. IP is concerned that facilities are incorrectly placed in industrial sectors, for example the pulp mill sector listings contain Masonite hardboard industrial sites.

Appropriate Indicators. IP is concerned about linking databases together in a way that the public will make incorrect conclusions about a site. The company is also concerned about data quality, stating that corrections it has submitted to EPA in the TRI database have not been made. IP gives an example of an error in an electronic TRI Form R which, when notified, was corrected by EPA and was reflected in EPA's ENVIROFACTS Internet page. However, the 1994 TRI data in the (October 1996 draft) SFIP contains the incorrect data. The company feels that EPA should not magnify these errors by consolidating inaccurate databases.

IP comments that the use of quarterly compliance data is not an equitable measure of compliance when paperwork violations are treated the same as extended non-compliance events. The company also comments that EPA implies that TRI information links pollutants emitted to compliance, but IP feels that TRI is inappropriate for use as a compliance tool. If EPA applies a toxicity factor to TRI releases it will be perceived by the public as a measure of risk, which IP feels is also inappropriate. IP writes that demographic data has no legitimate place in the SFIP, which is supposed to supply compliance and environmental performance data.

Alternative Indicators. Rather than consolidate dissimilar databases, IP thinks that EPA should provide instructions to make access easier to databases that already exist, such as through a well-designed Internet web site, such as EPA's Envirofacts web page. IP feels that EPA should only provide the data and let the local community draw conclusions.

Longer-term Improvements. IP thinks it would be useful for EPA to use the SFIP as a focal point for managing data quality by accepting corrections from the sites in the database. The company feels that EPA's current procedure for maintaining database accuracy is seriously flawed.

Formats for Public Access. None recommended.

Uses of SFIP Data. The primary use that IP would make of the SFIP database will be to verify the accuracy of EPA's databases.